

## House Vote Creates Historic Opportunity for Hate Crimes Legislation this Congress

With the Senate Judiciary Committee considering children's safety legislation (notably, S. 1086) and a possible hate crimes amendment to that bill in committee or on the floor, we, the civil rights, religious, and education organizations included below, want to highlight the hate crimes legislation that passed in the House in mid-September and how that may be used to enact hate crimes legislation this Congress.

The House version of hate crimes legislation passed on September 14 as an amendment on H.R. 3132, the Children's Safety Act, with a vote of **223-199**, including 30 Republicans. Representative Conyers sponsored the amendment (identical text to H.R. 2662), with support from Congresswomen Baldwin and Ros-Lehtinen and Congressmen Frank and Shays. This is the first time the House had a substantive vote on hate crimes prevention legislation.

***The House hate crimes legislation contains two important clarifying improvements in language which the Senate bill (S.1145) has yet to incorporate, providing the Senate a historic opportunity to pass an improved hate crimes bill with stronger support in the civil rights community:***

*1. Language addressing First Amendment concerns.* Both the Senate and House bills have always intended to punish and deter bias-motivated violence, but never intended to punish bias itself, or to burden speech or association. The House version as passed includes the following language that makes explicit the drafters' intention:

*RULE OF EVIDENCE— In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.*

*2. Language clarifying that all anti-lesbian, gay, bisexual and transgender hate crimes are covered.* Both versions of the bill have always intended that all anti-LGBT hate crimes are addressed by the bill. The House language clarifies this intention by providing that gender identity and gender-related characteristics are covered to the same extent as other characteristics.

Passage of hate crimes legislation is needed for all of the communities affected by violence. The legislation helps combat crimes based on *race, religion, national origin, disability, gender, sexual orientation, and gender identity* by allowing the federal government to provide resources to local law enforcement and act as a federal backstop if local authorities do not prosecute these crimes.

**The best chance for enactment of hate crimes legislation to help all of the communities who need these important protections is for the Senate to pass the hate crimes legislation already passed by the House.**

***We, the undersigned civil rights, religious, and education organizations, therefore urge the Senate to act on this historic opportunity by moving hate crimes legislation this session utilizing the more explicit House-approved hate crime bill language.***

*(see next page for signatories)*

American Association of People with Disabilities  
American Association of University Women (AAUW)  
American Civil Liberties Union (ACLU)  
American Humanist Association  
The American Jewish Committee  
The American-Arab Anti-Discrimination Committee (ADC)  
Anti-Defamation League (ADL)  
Asian American Justice Center (formerly NAPALC)  
Children of Lesbians & Gays Everywhere  
DignityUSA  
Disciples Justice Action Network (Disciples of Christ)  
The Episcopal Church  
Equal Partners in Faith  
Equality Federation: Statewide Advocates for LGBT Justice  
Family Pride Coalition  
Gay, Lesbian and Straight Education Network  
The Interfaith Alliance  
Japanese American Citizens League  
Log Cabin Republicans  
Mautner Project, The National Lesbian Health Organization  
National Association of LGBT Community Centers  
National Association for the Advancement of Colored People (NAACP)  
National Black Justice Coalition  
National Center for Transgender Equality  
National Coalition for the Homeless  
National Coalition of Anti-Violence Programs (NCAVP)  
National Council of Jewish Women (NCJW)  
National Gay and Lesbian Task Force  
National Latino/a Coalition for Justice  
National Organization for Women (NOW)  
National Stonewall Democrats  
New York City Gay & Lesbian Anti-Violence Project  
People For the American Way  
PFLAG: Parents, Family and Friends of Lesbians and Gays  
Presbyterian Church (USA)  
Pride At Work, AFL-CIO  
Transgender Law Center  
Transgender Law and Policy Institute  
Unitarian Universalist Association of Congregations  
United Church of Christ, Justice and Witness Ministries  
United States Student Association